

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HARLEYSVILLE WORCESTER INSURANCE  
COMPANY et al.,

Plaintiffs,

-v-

CONSIGLI & ASSOCIATES, LLC et al.,

Defendants.

21 Civ. 934 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

A conference has been scheduled in this case for Thursday, December 21, 2023, at 9 a.m., to discuss a discovery dispute in this case. *See* Dkt. 217. In preparation for this conference, the Court has carefully reviewed counsels' thoughtful submissions, including those of the Harleysville parties, Dkt. 210, Consigli & Associates, LLC, Dkts. 205, 216, and Zurich American Insurance Co., Dkt. 212, as well as the Court's decision of July 21, 2023, resolving, *inter alia*, various motions for leave to amend, Dkt. 169.

The Court's assessment, on reading these materials, is that the Court can resolve the present discovery dispute on the papers, without the need for a conference. The Court's determination is that a limited stay of discovery is appropriate, with the scope of the stay limited to the bad faith counterclaims brought by counterclaim plaintiff Consigli & Associates, LLC. Discovery on all other claims, to the extent sought, is to proceed and be completed expeditiously.

The Court so determines substantially for the persuasive reasons set out by the Harleysville parties. In particular, the Court's assessment is that the parties can expeditiously complete discovery and proceed to summary judgment on all other claims; that doing so will not prejudice any party's interest; and that doing so will productively move this case forward,

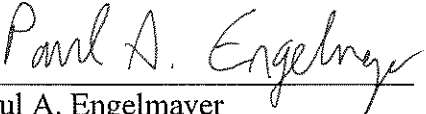
including to enable a resolution of the declaratory judgment claims brought by Harleysville. In contrast, discovery on the bad faith claims would implicate issues of privileged communications; potentially require resolution of challenging discovery disputes including requiring differential access to document and deposition discovery by various parties to this litigation; and have the potential to compromise the defense of the underlying action.

The Court accordingly:

- (1) stays discovery on the bad faith counterclaims brought by counterclaim plaintiff Consigli & Associates, LLC, pending resolution of the underlying action;
- (2) orders that fact discovery on all other claims proceed forthwith and be completed by the end of January 2024;
- (3) adjourns the December 21, 2023 conference, and directs counsel instead to use that time to meet and confer by telephone with regard to the completion of outstanding discovery by the end of January 2024; and
- (4) schedules a telephonic status conference for **February 21, 2024, at 3:00 p.m.**, which will serve as a pre-motion conference in anticipation of summary judgment motions; the Court directs counsel to the Court's Individual Rules, which set deadlines for pre-motion letters (due two weeks after the close of fact discovery) and responses (due one week later) and address the length of such pre-motion letters. Counsel are directed to call in to the Court's dedicated conference line at 888-363-4749 using the conference code 468-4906.

The Clerk of Court is respectfully request to terminate the motion(s) pending at Docket 205. The Court wishes counsel a healthy and happy new year.

SO ORDERED.

  
\_\_\_\_\_  
Paul A. Engelmayer  
United States District Judge

Dated: December 20, 2023  
New York, New York